

REMARKS

The Office Action dated June 2, 2011, and the grounds for rejection stated therein have been considered. Claims 1-8 and 10-26 are presently pending. Claims 2-8, 10-12 and 25 are allowed. Claim 1 is objected to (in view of a typographical error). Claim 18 is rejected as being directed to non-patentable subject matter. Claims 13-24 and 26 stand rejected as indefinite. Applicants have amended the claims to address the rejections as well as the objections to the claims and drawings.

Applicants request favorable reconsideration of the objections and grounds for rejection of the previously pending claims in view of Applicants' further amendments to the claims and remarks.

Please charge any fee deficiencies to Deposit Account No. 12-1216.

Objection to the Declaration

The Office Action objects to the Declaration previously submitted (and accepted) in 2004. This objection has been maintained notwithstanding the previous apparent acceptance of the fully executed (now objected to) declaration in the Office Action mailed on March 16, 2006. Applicants are aware of the requirements of 37 CFR Section 1.52(c)(1), and note that the handwritten changes to the inventor's residence and citizenship were signed by the inventor (the handwritten corrections to the citizenship and residence of the inventor were on the originally submitted declaration) on the originally executed declaration. Several years have passed since the original documents were signed. However, there is no reason to believe that the changes were made after the signing of the original declaration *on the same sheet of paper* (as required in 37 CFR 1.52(c)(1)). The USPTO previously deemed that the requirement to sign changes was met in the original (previously accepted) declaration submission.

Moreover, Applicants note that, even if the rules for signing handwritten changes are not technically met, discretion can be exercised, when circumstances warrant, to waive the specific technicalities upon which the current objection is based. Applicants note that the subject of the change (e.g., residence, citizenship, address, etc. of an inventor) has absolutely no bearing upon

the disclosure or substance of the claimed invention. In contrast to initialing/dating changes to the disclosure (i.e., drawings/written description) of an application, Applicants are unaware of any policy or goal that is achieved by the Office Action's current request to re-execute the *declaration* (due to a handwritten change next to an inventor's signature on the document) – *a submission that was considered proper when it was previously submitted AND accepted by the USPTO in 2004.*

Summary of the Rejections

1. Claim 18 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject-matter.
2. Claims 13-24 and 26 are rejected under 35 U.S.C. §112, paragraph 2, as being indefinite.

Applicants traverse the grounds for each and every rejection for at least the reasons set forth herein below. Applicants address the specific rejections in the order they arise in the Office Action.

1. Rejection of Claim 18 as reciting non-patentable subject matter

Applicants traverse the rejection of **claim 18** since the claimed storage would, by definition, need to be non-transitory to “store” (as opposed to propagate) signals. Notwithstanding the traversal, Applicants have amended claim 18 to expressly recite a “non-transitory” data storage.

2. Rejection of Claims 13-24 and 26 as indefinite

Applicants traverse the rejection, in view of their current amendments, of **claims 13-24 and 26, 18 and 19** as being indefinite. Applicants have amended claim 13 to recite apparatus components adapted to carry out claimed functionality. Claim 19 is amended to remove the “second” modifier to the claimed activator. Claim 26 is amended to recite that the apparatus (e.g., Apparatus depicted in Applicants' FIG. 1) is adapted to carry out the claimed functionality.

Applicants note, with appreciation, the Office Action's identification of allowable subject-matter in certain ones of the presently pending claims, and await notification of allowance of each of the presently pending claims in view of the currently pending amendments.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Mark Joy, Reg. No. 35,562
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: December 1, 2011